

I leave it, Sir, to your Judgment, whether it will be proper to extend this Regulation to the *Clergy*; because, perhaps, it may, HEREAFTER, be an indecent Sight to see a whole Bench of B—s dressed out in a Set of new Knots alamode des Mesdemoiselles Françoises.

I am, Sir, with profound Respect,
Yours,

JOHN ENGLISH.

N. B. These new-invented *Court Ear-knots* for *Pensioners* and *Hirelings* will be exposed to Sale, on *Wednesday next*, in *Westminster-Hall*, the *Court of Requests*, *Arlington-Street*, and at most other publick Places about Town; where Gentlemen may be accommodated with them, from Time to Time, made after the newest Fashion, and at reasonable Rates

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N^o 37, Friday, April 14. 1727.

S every Government has undoubtedly a Right to defend itself; and since the wisest written Laws cannot effectually provide for its Safety against all Emergencies; so it must be endowed with an absolute unlimited Power, upon all extraordinary Occasions and unforeseen Events; for without such a reserved Power, every Government will be continually in Danger of being overturn'd by the subtle Machinations of powerful and ill-designing Men. But, on the other Hand, this extraordinary Power ought never to be exerted but upon extraordinary Occasions, in Times of real Danger and in Cases of the utmost

most Extremity ; for, if it should come to be prostituted and hackney'd about upon every little Job and pretended Occasion, the Essence of a free State will be entirely lost, and this great *extraordinary Power* will be turned to the Destruction of the People, which it was designed to prevent. Indeed the the only Difference between a *despotick* and a *free Government* consists in This; that an arbitrary Governor has no Law but his Will, and therefore always acts by an *unlimited, extraordinary Authority*; whereas, the Governor of a free People has Rules prescribed to him for his Conduct, and is limited by *Laws* in the ordinary Course of his Government ; and therefore never acts in an absolute, unlimited Manner, but when, upon *extraordinary Occasions*, the People think fit to intrust him with such a Power. Thus the *Roman Dictators* were never created but on the greatest Emergencies ; invested with an absolute Authority in all Affairs, both civil and military; till the Occasion, on which they were created, ceased, and the Danger was over. This Power, whilst it continued only *temporary*, was the real Security of the State; and, upon several Occasions, preserved it from Ruin ; but when once it became *ordinary*, and the *Dictator* made himself *perpetual*, it immediately swallowed up the Liberties of that glorious People; and the *Roman Commonwealth* relapsed into its antient Tyranny and Servitude.

In *England*, we frequently exercise this *extraordinary Power*, in Opposition to the *ordinary* Form of our Government; sometimes, by taking off the legal Restraint upon our Kings, and investing them with a Sort of *Dictatorial Authority*; as in the Suspension of the *Habeas Corpus Act*, in Times of a Conspiracy, Rebellion, or imminent Danger. Sometimes the Legislature exercises this Power itself (as it undoubtedly has a Right to do) by *Attainders*, or *Bills of Pains and Penalties*

ties, ex post facto; but it has never yet been exercised, and I hope never will, but upon great and extraordinary Emergencies.

There is another Power of this Nature, which our Princes, or Ministers, by their Authority, exercise upon the like Occasions, *viz.* That of *opening and reading Letters at the Post-Office*; which I suppose to be one of the antient *Prerogatives of the Crown*; because I never heard of any *Statute-Law* to this Purpose; for the *Act Nono Annæ*, intituled *An Act for establishing a general Post-Office for all her Majesty's Dominions*, seems rather to allow of it, under some *Restrictions*, as a *prior Right* inherent in the Crown, than to *create and enact* such a Power; as will appear by the following Clause.

" And whereas Abuses may be committed by wilfully opening, imbezzeling, detaining and delaying Letters or Packets, to the great Discouragement of Trade, Commerce and Correspondence; for Prevention thereof, be it enacted by the Authority aforesaid, that from and after the said first Day of June one thousand seven hundred and eleven, no Person or Persons shall presume willingly, or knowingly, to open, detain or delay, or cause to procure, permit, or suffer to be opened, detained, or delayed, any Letter or Letters, Packet or Packets, after the same is or shall be delivered into the general, or other, Post-Office, or into the Hands of any Person or Persons employed for the receiving or carrying Post-Letters, and before Delivery to the Persons to whom they are directed, or for their Use; EXCEPT by an *express Warrant* in writing, under the Hand of one of the principal Secretaries of State, for every such opening, detaining or delaying, &c.

But as the Exercise of this *extraordinary Power* from whencesoever originally derived, or howsoever autho-

authorized, (whether by any former *Prerogative*, or by the Power in this *Clause*) has never been publickly examin'd, I hope a few Observations on that Head will not be thought impertinent or disagreeable.

It is agreed on all Hands that, amongst *private Persons*, nothing ought to be held more inviolable than the Communication of our Thoughts by a mutual Intercourse of *Letters*. The tender Concerns and reciprocal Endearments of Lovers; the unguarded Intelligence of intimate Friends; the Mysteries of Tradesmen and Mechanicks; the Negotiations, Contracts and Engagements of mercantile Persons; the Views, Expectations and Pursuits of Some; the Misfortunes and Necessties of Others; and the Secrets of Families in general, of whatsoever Kind, which are conveyed in an epistolary Manner, are Things of so sacred a Nature, that, in all civiliz'd Countries, it has been esteem'd highly scandalous to satisfy our Curiosity at another's Expence. A Man of *true Honour* will as soon break open a Lock as a Letter, which does not belong to him; and pick his Neighbour's Pocket, as soon as discover his *Nakedness* in this Respect; for a Letter, being the Representative of the Person's Heart, who sends it, ought to pass, without Examination or Interruption, to the Hand, to which it is directed; since, otherwise, this *Convenience* will be of little Use to Mankind, who would no more communicate their Thoughts, in a free Manner, upon many Topics, than they would talk upon them in publick Company. When a Man therefore has set down his Thoughts upon a Piece of Paper, and put his Signet upon it, he ought to be as safe as if he was privately talking to his Friend in his Closet; and I cannot help thinking that Man a worse Kind of *Eaves-dropper*, who breaks into this secret Cabinet, than one, who skulks under my Window, or listens thro' the Key-hole.

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What I have hitherto said relates only to *private Persons*; who cannot, upon any Account whatsoever, be justified in their Violation of these Secrets; but it must not be applied to the *Publick*; which being invested, as I before observed, with a sufficient Power to defend itself, in Times of Danger or Suspicion, cannot be restrained, in the Exercise of its Authority, by little Punctilio's of *Honour*, or the Niceties of *good Breeding*; for as the *Welfare of the People is the supreme Law*, all private Considerations whatsoever must give Place, and be sacrificed to that good End.

Whenever therefore the Government receives Intelligence of any secret and dangerous Transactions, which are carrying on either at home or abroad; or entertains any well-grounded Suspicion of that Nature, it is not only justifiable, but their Duty to examine the *Mails*; and to use all other prudent Precautions, in order to discover and defeat the Designs of their Enemies. Then is their Time to exert this *extraordinary Authority*; in which they seem to act under the same wholesome Commission with that of an old *Roman Dictator, nequid detrimenti Respublica capiat.*

Indeed this Practice of examining the *publick Correspondence*, in Times of Danger, is so well known; and so many wicked *Plots* and *Conspiracies* have been discovered in this Manner, that it is very unaccountable how Men, who are engaged in such hazardous Designs, can be so weak as to carry on their Correspondence in a Way, which is so open and liable to detection; especially since the Art of *decyphering* is arrived to that Perfection; which renders it almost impossible for them to deceive the Enquiry of the Government by any Sort of Figures or Characters; nay, supposing that they could find out a Method of writing, which would puzzle the most skilful Adepts in this Art; yet such a dark and unintelligible Correspondence would raise a sufficient Alarm to make a

wise Ministry set all their Emissaries and Engines at Work, and would thereby have almost the same Effect, as if their Meaning were really unriddled.

However, since it is notorious that some Persons, even very lately, have been so audacious, or infatuated, as to transact their detestable Designs in this Manner, it well becomes the Care of a vigilant Administration, to make use of this Authority, whenever there is any just and well-grounded Occasion for so doing.

But herein consists the Difference between our happy Constitution in *England*, and several arbitrary Governments abroad ; that this Power is never exercised, amongst us, but when there is a real Occasion, and it becomes necessary for our own Safety. We are never subject to having our Letters ranack'd, and the Secrets of our Families exposed to the Derision or Resentment of great Men and little Clerks, but when it is in order to secure our Liberties, and preserve us from Ruin ; nor, indeed, ought it to be commonly practised, on the King's Account, as well as the People's ; because it would, in a great Measure, discourage Persons from communicating their Thoughts in this Manner, unless on the most common and indifferent Affairs, and thereby greatly prejudice his Majesty's Revenue.

For it is observable that the Reason, given for the Clause in the Act of Parliament before cited, is to prevent the discouragement to Trade, Commerce and Correspondence ; which I presume will not be the less discourag'd by Secretaries of State opening Letters, than by other Persons ; and therefore even They ought not to practise it but upon very urgent Occasions ; for which Reason it is added in this Clause, that no Person shall open any Letter, even by a Secretary's Order, unless by an Express Warrant in Writing for EVERY such opening, &c. and I am very loth to give Credit to the Suggestions of some Men, that This hath been, at any Time, evaded by leaving a blank dormant Warrant at the Office, to be filled up at

at the Discretion of the *Post-master-general*, by the Direction and for the Service of his *Principals*, as Occasion requires.

It is, I presume, on the same Account, (*viz.* to prevent any *Discouragement to Trade, Commerce, and Correspondence*) that no Person hath yet been, is, or, I hope, ever will be thought proper to be placed at the Head of this *Office*, who is known or suspected to be concerned in any Branch of *Trade or Commerce* whatsoever; because it would evidently give Him too great an Advantage over the *Properties and Dealings* of his Fellow-Subjects,

But to proceed.—In *slaveish Countries* nothing is more common than the Exercise of this Authority, not to secure the Subjects from Danger, but to involve them in it; to make them give Evidence against Themselves, and incur Penalties, which they do not deserve. We shall, in those Countries, often find it made use of (like **AURICULAR CONFESSION**) to gratify the Jealousy, Curiosity or Designs of a *great Man*; by diving into the Secrets of Families, and acquainting himself with all their various Circumstances, Inclinations, Sentiments, Influences and Passions; by which Means he knows how to conduct his own Schemes; for he can judge from hence who are to be brought over to his Interest, and by what Means; whether by Money, Flattery, Places or Power; and can set his Mark on others, whom he finds to be *unmanageable*.

A *Post-Office-General*, thus managed, is a sort of *Microcosm of Intelligence*; which contracts the various Sentiments and Opinions of Mankind within its own little Bounds; and may be compared to a *glass Beehive*, through which the owner can view, at Pleasure, the different Motions, Contrivances and Employments of the little busy Colony within.

How unhappy must that People be, who live in a Country, where such an Use is made of this Authority! and where an Invention, which was first devised

for the Ease and Convenience of the Subject, is so manifestly turn'd to his Injury and Disadvantage ! This is a Circumstance, to which those Nations, who formerly liv'd under Servitude, were not subject ; and is much more grievous than even those Crowds of *Spies* and *Informers*, which are so frequently complained of, by *antient Historians*, in the Courts of *Tyrants*. The Slaves of old were only liable to the Information of such Men ; and were in no Danger of having their Packets rifled, and their private Correspondence exposed to the Sight of jealous Princes or revengeful Statesmen ; by which Means an innocent Jeſt, an impartial Representation of current News, or an unguarded Expression to a Friend may be made a Mark of Disaffection, and the unjust Cause of a Man's Ruin ; or at least a Bar to all his future Views and Expectations.

The nearest Reſemblance to this Practice, which we meet with in antient History, is the Stratagem of a famous Tyrant, whose wicked Actions having rendered him jealous of all his People, even of his own Domesticks, Privadoes, and Belov'd Favourites, ordered the Rooms of his Palace to be contrived in such a Manner that all Sounds might be conveyed by Pipes into that Part, where he reſided himself ; so that nothing could be uttered under his royal Roof, tho' in the lowest Whispers, which his attentive and ſuspicious Ears could not easily diſtinguiſh.

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